

FILED  
08 MAY 28 PM 2:23  
MICHAEL W. WILKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

1 Scott H. Jacobs (SBN 81980)  
2 Christopher O. Rivas (SBN 238765)  
3 REED SMITH LLP  
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8 Attorneys for Defendants WMC  
9 Mortgage, LLC and GE Consumer  
10 Finance, Inc.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

13 PATRICIA C. BARBERA,  
14 Plaintiff

15 vs.

16 WMC MORTGAGE CORPORATION, a  
17 California corporation; aka WMC Direct, a  
18 California Business Entity; GE Consumer  
19 Finance, a unit of General Electric  
20 Company; Select Portfolio Servicing  
21 Corp., a Utah Corporation; Fairbanks  
22 Holding Corporation, a Delaware  
23 Corporation; and Land Title Company of  
24 Marin, a California Business Entity;  
25 Does 1 thru 100, inclusive.

26 Defendants.

Case No.: \_\_\_\_\_

CV 08 2677

DECLARATION OF SCOTT H.  
JACOBS IN SUPPORT OF  
DEFENDANTS WMC MORTGAGE,  
LLC AND GE CONSUMER  
FINANCE, INC.'S NOTICE OF  
REMOVAL

REED SMITH LLP  
A limited liability partnership formed in the State of Delaware

FAKED

1 I, Scott H. Jacobs, hereby declare and say:

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3 1. I am a partner with the law firm of Reed Smith LLP, attorneys for  
4 defendants WMC Mortgage, LLC (successor in interest to "WMC Mortgage  
5 Corporation") and GE Consumer Finance, Inc. in this action. I have personal  
6 knowledge of the facts set forth in this Declaration and, if called upon to do so, I could  
7 and would testify competently thereto.

8  
9 2. I submit this declaration in support of WMC Mortgage, LLC and GE  
10 Consumer Finance, Inc.'s Notice of Removal.

11  
12 3. I caused to be reviewed the Marin County Superior Court files and  
13 docket sheet in this action on May 28, 2008. This review showed that there was no  
14 proof of service or any other record indicating that defendants Select Portfolio  
15 Servicing Corporation, Fairbanks Holding Corporation, and Land Title Company of  
16 Marin had been served with the complaint and summons.

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18 4. I caused to be reviewed the Marin County Superior Court calendar for  
19 this matter displayed on the Marin County Superior Court website on May 27, 2008.  
20 A true and correct copy of this online calendar is attached hereto as Exhibit "A." This  
21 review showed that there is a hearing for an Order to Show Cause re: Proof of Service  
22 scheduled for June 20, 2008.

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26 ///

1 I declare under penalty of perjury under the laws of the United States and the  
2 State of California that the foregoing is true and correct. Executed this 28th day of  
3 May, 2008, at Los Angeles, California.

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5   
6 Scott H. Jacobs  
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10 DOCSLA-15641736

11 REED SMITH LLP  
12 A limited liability partnership formed in the State of Delaware  
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# EXHIBIT A

**Calendar by Case Number containing: "081763"**

Sorted by Litigant Name

LITIGANT NAME	DATE	TIME	RM	CASE NUM.	CASE TYPE
BARBERA, PATRICIA C	06/11/08	09:00 AM	B	CIV081763	OSC/TRO
BARBERA, PATRICIA C	06/20/08	09:00 AM	B	CIV081763	OSC RE: PROOF OF SERVICE
BARBERA, PATRICIA C	07/22/08	09:00 AM	B	CIV081763	OSC RE: FILING OF ANSWER
BARBERA, PATRICIA C	08/29/08	09:00 AM	B	CIV081763	CASE MANAGEMENT CONFERENCE
CALIFORNIA LAND TITLE COMPANY OF MARIN	06/11/08	09:00 AM	B	CIV081763	OSC/TRO
CALIFORNIA LAND TITLE COMPANY OF MARIN	06/20/08	09:00 AM	B	CIV081763	OSC RE: PROOF OF SERVICE
CALIFORNIA LAND TITLE COMPANY OF MARIN	07/22/08	09:00 AM	B	CIV081763	OSC RE: FILING OF ANSWER
CALIFORNIA LAND TITLE COMPANY OF MARIN	08/29/08	09:00 AM	B	CIV081763	CASE MANAGEMENT CONFERENCE
FAIRBANKS CAPITAL HOLDING CORP., A DELAWARE CORPORATION	06/11/08	09:00 AM	B	CIV081763	OSC/TRO
FAIRBANKS CAPITAL HOLDING CORP., A DELAWARE CORPORATION	06/20/08	09:00 AM	B	CIV081763	OSC RE: PROOF OF SERVICE
FAIRBANKS CAPITAL HOLDING CORP., A DELAWARE CORPORATION	07/22/08	09:00 AM	B	CIV081763	OSC RE: FILING OF ANSWER
FAIRBANKS CAPITAL HOLDING CORP., A DELAWARE CORPORATION	08/29/08	09:00 AM	B	CIV081763	CASE MANAGEMENT CONFERENCE
GE CONSUMER FINANCE	06/11/08	09:00 AM	B	CIV081763	OSC/TRO
GE CONSUMER FINANCE	06/20/08	09:00 AM	B	CIV081763	OSC RE: PROOF OF SERVICE
GE CONSUMER FINANCE	07/22/08	09:00 AM	B	CIV081763	OSC RE: FILING OF ANSWER
GE CONSUMER FINANCE	08/29/08	09:00 AM	B	CIV081763	CASE MANAGEMENT CONFERENCE
SELECT PORTFOLIO SERVICING, INC	06/11/08	09:00 AM	B	CIV081763	OSC/TRO
SELECT PORTFOLIO SERVICING, INC	06/20/08	09:00 AM	B	CIV081763	OSC RE: PROOF OF SERVICE
SELECT PORTFOLIO SERVICING, INC	07/22/08	09:00 AM	B	CIV081763	OSC RE: FILING OF ANSWER

SELECT PORTFOLIO SERVICING, INC

08/29/08 09:00 AM B CIV081763 CASE MANAGEMENT CONFERENCE

WMC MORTGAGE CORPORATION, A  
CALIFORNIA CORPORATION

06/11/08 09:00 AM B CIV081763 OSC/TRO

WMC MORTGAGE CORPORATION, A  
CALIFORNIA CORPORATION

06/20/08 09:00 AM B CIV081763 OSC RE: PROOF OF SERVICE

WMC MORTGAGE CORPORATION, A  
CALIFORNIA CORPORATION

07/22/08 09:00 AM B CIV081763 OSC RE: FILING OF ANSWER

WMC MORTGAGE CORPORATION, A  
CALIFORNIA CORPORATION

08/29/08 09:00 AM B CIV081763 CASE MANAGEMENT



## PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is REED SMITH LLP, 355 South Grand Avenue, Suite 2900, Los Angeles, CA 90071. On May 28, 2008, I served the following document(s) by the method indicated below:

### DECLARATION OF SCOTT H. JACOBS IN SUPPORT OF DEFENDANTS WMC MORTGAGE, LLC AND GE CONSUMER FINANCE, INC.'S NOTICE OF REMOVAL

- ☐ by transmitting via facsimile on this date from fax number 213.457.8080 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 p.m. and was reported complete and without error. The transmission report, which is attached to this proof of service, was properly issued by the transmitting fax machine. Service by fax was made by agreement of the parties, confirmed in writing.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.
- ☐ by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed proof of service by the process server or delivery service will be filed shortly.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below. A copy of the consignment slip is attached to this proof of service.

Patricia C. Barbera  
24 Caribe Isle  
Novato, CA 94949  
Telephone: (415) 382-9617  
Facsimile: (415) 382-0756  
In Pro Per

I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed on May 28, 2008, at Los Angeles, California.

Patty Keen  
Patty Keen